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BOSTON • GREAT BARRINGTON

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*By Hand*

May 17, 2022

Town of Egremont  
Zoning Board of Appeals  
P.O. Box 368  
South Egremont, MA 01258

Re: Lightfoot, et al. v. Killea, et al.  
Mass. Land Ct. 22 MISC 000077-Speicher

Dear Members of the Board:

I represent Lannon Killea and Jonathan Herman, and I am writing at the suggestion of Attorney Pollard to request a public hearing to determine if the Board will amend the Special Permit granted by this Board on January 27, 2022. As you are aware, the Permit was appealed by Paul and Karen Lightfoot. The Parties have resolved the issues between them and jointly requested that the Court remand this matter to the ZBA to amend the Special Permit (if the Board grants the requested amendments). A copy of the Remand Order of Hon. Howard P. Speicher is attached hereto.

Please schedule the public hearing and thank you, as always, for your assistance.

Very truly yours,



Alexandra H. Glover

AHG/asc  
Enclosure

Cc: Jeremiah A. Pollard, Esq. and Michael J. Martin, Esq. by email.

219481

\*Also admitted in Florida

◇Also admitted in Texas

COMMONWEALTH OF MASSACHUSETTS  
LAND COURT DEPARTMENT OF THE TRIAL COURT

BERKSHIRE, ss.

22 MISC 000077-Speicher

\_\_\_\_\_  
PAUL LIGHTFOOT and  
KAREN LIGHFOOT,  
Plaintiffs

v.

\_\_\_\_\_  
CATHY FRACASSE, et al,  
Defendants  
\_\_\_\_\_

)  
)  
)  
) **REMAND ORDER**  
) ~~(Proposed)~~   
)  
)  
)  
)

Whereas, the Parties have jointly requested that this matter be remanded to the Zoning Board of Appeals of the Town of Egremont and to retain jurisdiction of this matter during such remand and appeals period, the Court, after consideration hereby Orders as follows:

This matter is remanded to the Zoning Board of Appeals of the Town of Egremont for the purpose of considering the following terms and, where appropriate, making findings in connection with the special permit dated January 27, 2022, which special permit is the subject of this litigation, as follows:

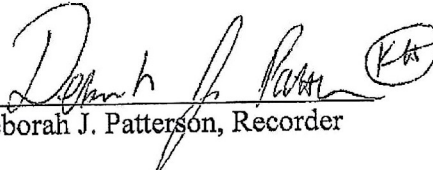
1. To amend the Special Permit to reflect a closing time of 11:00 p.m., seven days a week, with no other changes to the three conditions of the Permit;
2. To make the findings required under Sections 4.3.1.3 and 4.3.1.5 of the Egremont Zoning Bylaw, that the proposed restaurant use is "not ... substantially more detrimental to the neighborhood";

3. To make the findings required under Section 6.2.4 of the Bylaw, Criteria for granting a Special Permit;
4. To determine under Section 4.1.2.3(b)(ii) of the Bylaw, whether strict compliance with a 50-foot setback for a commercial parking area may cause unnecessary hardship, and to make appropriate findings related thereto.

**SO ORDERED.**

*BLL* By the Court (*Speicher, J.*)

Attest:

  
Deborah J. Patterson, Recorder

Dated: May 10, 2022